

especially for vernal pools and species of concern (e.g., Jefferson salamanders, wood turtles) and for semi-aquatic mammals (e.g., otter ranges of 50–100 ft).

Response 25: The narrowing of the setback for these limited areas allows for denser development which is desired overall to prevent habitat fragmentation elsewhere in the State because development will be more concentrated. Further, the proposed rule aims to balance the compelling housing demands and the environmental benefits of compact settlement against environmental risk in the limited areas of Vermont eligible to utilize the Allowed Use.

Comment 26: Commenters assert that reducing buffers may leave homes less protected from rising water tables and shifting wetland boundaries, and other changing site conditions, including those associated with climate change or beaver conflicts. Commenters argue that a 50-foot buffer is necessary to accommodate boundary fluctuations and reduce future risks and public costs.

Response 26: Buffer zones are intended to protect the functions and values of a wetland, not to account for changes in wetland boundaries. The Agency has best management practices for dealing with human-beaver conflict while preventing erosion and sediment control issues associated with beaver dam removal.

Comment 27: Commenter provided a scenario to explain the flood impact of the Rule proposal: For every 10,000 square feet (i.e. 100 ft by 100 ft) of unmapped wetland that would store a conservative depth of 0.9 inches of rain (which is 90 percent of the annual storm events in Vermont), there will be an additional 750 cubic feet of runoff being discharged into the undersized stormwater conveyance systems and then into the degraded urban stream channels. As a visual reference, that 750 cf is over 5,500 gallons of water and equivalent to an 18 ft round and 4 ft deep above ground pool.

Response 27: The Agency does not disagree with the example calculation but also observes that any development superimposed upon unmapped wetland will be subject to stormwater management requirements, the design storm of which is a one-inch event (see the Department's Stormwater Management Manual Rule). Practices required by this Rule will reduce the calculated runoff volume to levels that protect both water quality, and conveyance and stream channels. The provisions in the Flood Safety Act will reduce flood risk with statewide regulation within mapped river corridors and stronger municipal floodplain management standards. Other water quality improvement projects will likely help to off-set impacts in other parts of Vermont. In addition, some development projects may be required to manage and treat increased stormwater runoff from impervious surfaces under other applicable local, state, or federal permit requirements, which can also mitigate for some loss of storage.